

REMARKS:

I. INTRODUCTION

The Office Action dated October 7, 2008, has been carefully considered. In response thereto, the following amendments and remarks have been prepared, which are intended to be fully responsive to the Office Action.

II. STATUS OF THE CLAIMS

Claims 1, 3, and 6-8 are pending in the application, of which claims 1 and 8 are independent. None of the pending claims have been cancelled in this paper, and no new claims have been added. Thus, upon entry of this paper in the record, claims 1, 3, and 6-8 will be pending.

III. SUMMARY OF THE OFFICE ACTION

Claims 1 and 6-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,950,274 to *Kilström*. Claim 3 has been rejected under 35 U.S.C. § 103(a) as being obvious over *Kilström*. Claims 1, 3, and 6-8 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

IV. THE REJECTIONS OF THE CLAIMS

With regard to claims 1 and 6-8, which have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Kilström*, Applicant respectfully traverses the rejection for the following reason. In the figures of the *Kilström* reference, the handle tube is shown with a single bend (see FIG. 1, apex of tube handle 14). In contrast, claim 1 of the present application recites that the handle tube is "formed into a double-bent construction." Similarly, claim 8 recites "wherein the handle is double-bent between a distal end connected with the brush, and a proximal end connected with the cleaner body." Because *Kilström* does not disclose a double-bent handle

tube, it does not disclose every feature of the pending claims. Reconsideration and withdrawal of the rejection of claims 1 and 6-8 under § 102(b) are respectfully requested.

With regard to claim 3, which has been rejected under 35 U.S.C. § 103(a) as being obvious over *Kilström*, Applicant respectfully traverses the rejection for the following reasons. As noted above, *Kilström* does not disclose a double bent construction, and therefore, claim 3 would not have been obvious at the time of the invention. In general, adding bends to a handle tube can increase the complexity and cost of manufacturing the device, and it can also adversely impact the suction power provided by the vacuum motor due to head losses around the bends. With respect to the specific tube handle 14 shown in *Kilström*, adding another bend along the handle tube would make it difficult to grip, given the shortness of the tube handle 14, and it make it commercially unappealing from an aesthetics perspective. Thus, one of ordinary skill in the art at the time of the invention would not have wanted to modify the device in *Kilström* to add another bend to the handle tube. Reconsideration and withdrawal of the rejection of claim 3 under § 103(a) are respectfully requested.

With regard to the indefiniteness rejections of claims 1, 3, and 6-8 under 35 U.S.C. § 112, second paragraph, Applicant respectfully traverses the rejection for the following reason. The term "double bent construction" is defined in the specification with reference to the features shown in FIG. 3. One of ordinary skill in the art would understand that "double bent" refers to the two separate bends in the handle tube as shown in the figures. Thus, claims 1, 3, and 6-8 are believed to be in compliance with § 112, second paragraph. Reconsideration and withdrawal of the rejection of claims 1, 3, and 6-8 under § 112, second paragraph, are respectfully requested.


VIII. CONCLUSION

In view of the amendments and remarks contained herein, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully requested.

In the event that any issues remain that can be overcome most easily through a telephone communication, the Examiner is invited to telephone the undersigned at (202) 772-5800.

If a Petition for extension of time is required to render this submission timely and either is not filed concurrently herewith or does not suffice to render this submission timely, Applicants hereby petitions under 37 C.F.R. §1.136(a) for such an extension for as many months as are required to render this submission timely. Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (Atty. Ref. No. 116511-00116).

Respectfully submitted,

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